

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ELLIOT A. WRIGHT,

Plaintiff,

v.

1:25-CV-0085
(GTS/TWD)

CRESCO CAPITAL, a/k/a Lone Mountain Trucks;
ATTORNEY LARRY KLEIN;
EQUIFAX SOLUTIONS, LLC; and
EXPERIAN, LLC;

Defendants.

APPEARANCES:

ELLIOT A. WRIGHT

Plaintiff, *Pro Se*
350 Leedale Street
Basement Apt.
Albany, New York 12205

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* consumer credit action filed by Elliot A. Wright (“Plaintiff”) against Cresco Capital (*a/k/a Lone Mountain Trucks*), Equifax Solutions, LLC, Experian, LLC, and Attorney Larry Klein (“Defendants”) asserting claims for breach of contract and fraud, is United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) and Fed. Civ. P. 12(b)(6), but that Plaintiff be afforded leave to amend. (Dkt. No. 5.) Plaintiff has not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks' thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 5) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) **shall be DISMISSED with prejudice** and without further Order of this Court, **UNLESS, within THIRTY (30) DAYS** of the entry of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** that cures the pleading defects in the original Complaint identified by Magistrate Judge Dancks; and it is further

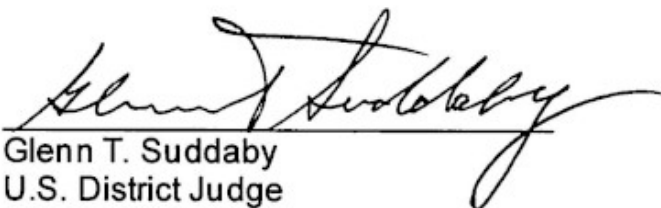
ORDERED that any such Amended Complaint shall be a complete pleading that supersedes the original Complaint in all respects and does not incorporate by reference any portion of the original Complaint; and it is further

ORDERED that, should Plaintiff file an Amended Complaint within the above-

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

mentioned thirty (30) day time period, the Amended Complaint shall be returned to Magistrate Judge Dancks for review.

Dated: May 1, 2025
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge